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**Rockville**  
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## Planning Commission Staff Report Final Record Plat Application PLT2012-00516

**MEETING DATE:** April 25, 2012

**REPORT DATE:** April 18, 2012

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**APPLICATION DESCRIPTION:** Final Record Plat,  
for the recordation of an  
existing single unit detached  
dwelling residential property  
made up of 16,292  
square feet of land.

**PROPERTY LOCATION:** 201 Upton Street

**APPLICANT:** Kermit S. Mohn, Successor Trustee  
Kermit Brown Mohn Revocable Trust  
8 Oxban Court  
Bluffton, South Carolina 29909

**FILING DATE:** March 21, 2012

**RECOMMENDATION:** Approval, subject to the conditions noted on page 5 of the Staff Report.

**REQUEST:** The applicant proposes to consolidate the property into a single record lot of 16,292 square feet. It is currently made up of all of Lot 2 and Part of Lot 1, Block 15, Bealls Subdivision, with an existing house straddling the common side property line between the two lots.



**PROJECT/SITE INFORMATION:**

**Location:** 201 Upton Street  
**Land Use Designation:** Detached Residential (High Density, over 4 Units Per Acre)  
**Zoning District:** R-60, Single Unit Detached Dwelling, Residential  
**Plat Area:** 16,292 Square Feet,  
**Current Use :** Single-Unit Detached Dwelling Residential  
**Proposed Use:** Single-Unit Detached Dwelling Residential

Surrounding Land Use and Zoning			
Location	Zoning	Planned Land Use	Existing Use
North	R-60, Single Unit Detached Dwelling Residential	Detached Residential (High Density, Over 4 Units Per Acre)	Single-Unit Detached Residential
South	R-60, Single Unit Detached Dwelling Residential	Detached Residential (High Density, Over 4 Units Per Acre)	Single-Unit Detached Residential
East	R-60, Single Unit Detached Dwelling Residential	Detached Residential (High Density, Over 4 Units Per Acre)	Single-Unit Detached Residential
West	R-60, Single Unit Detached Dwelling Residential	Detached Residential (High Density, Over 4 Units Per Acre)	Single-Unit Detached Residential

**PREVIOUS RELATED ACTIONS:**

- December 20, 2011 – The Historic District Commission recommended historic designation of the property after application HDC2012-00558 was submitted for the demolition of the existing house.
- March 5, 2012 – The Mayor and Council did not authorize filing of a Sectional Map Amendment for historic designation of the property, allowing the existing house to be demolished.

**ANALYSIS:**

**Project Proposal**

The applicant is requesting approval of a Final Record Plat in order to consolidate the existing property into a single record lot. The application has been filed as the recordation of an existing single unit detached dwelling residential property per Section 25.21.03 of the Zoning Ordinance. Existing Lot 2 and Part of Lot 1 , Block 15, in the Bealls Subdivision are proposed to be consolidated to become Lot 39, Block 15, in the Bealls Subdivision.

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## **Property Description and Background**

The property is located within the Bealls Subdivision (see Attachment 4), where it is zoned R-60, Single Unit Detached Dwelling Residential (see Attachment 2). When the house was built in 1944, the property contained all of Lot 1 and Lot 2. In July of 1959, Lot 1 became a part lot when 1,398 square feet of land was transferred to the City of Rockville for Beall Avenue right-of-way widening. The lot lost 10 feet in width and a portion of the corner at Beall Avenue and Upton Street to truncation. (See Attachment 5.) In October 1959, the property was transferred to Kermit B. and Evelyn H. Mohn from John and Helen Markland (see Attachment 6.) In 1999, the property was transferred to a revocable trust, with Kermit B. Mohn shown as the trustee. (See Attachment 7.)

The property was offered for sale after the passing of Mr. Kermit B. Mohn. It appears that a sale is pending on the property and an heir, Kermit S. Mohn, has requested the recordation of this property as part of the sale. The new owner would like to demolish the existing house and construct a new one in its place. In order to demolish the existing house, the demolition request was taken to the Historic District Commission for review. The Commission recommended designation of the property on December 12, 2011 but the Mayor and Council failed to authorize the filing of a Map Amendment for designation on March 5, 2012.

## **Master Plan Recommendation**

One of the Critical Issues identified in the 2002 Comprehensive Master Plan is infill development in residential neighborhoods. Although there was no specific mention of this property within either the Comprehensive Master Plan or the West End Neighborhood Plan, resubdivision compatibility was discussed with attention focused on the likelihood of the creation of pipestem lots and the character of potential residential infill as concerns. Since the 2002 Plan was adopted, the Zoning Ordinance has been changed to prohibit the creation of new pipestem lots. Also discussed were concerns about the “construction of a very large house in an area of small ramblers” and how they would be out of scale within some existing neighborhoods. The Zoning Ordinance adopted in March of 2009, studied the situation and imposed some changes to the Development Standards. These standards included reduced heights for the main dwelling and accessory buildings in the R-60, R-75 and R-90 Zones. Limitations were also placed on impervious surfaces in the front yard in an effort to control impervious surfaces but also to aid in maintaining the character of existing neighborhoods.

## **Zoning Compliance**

The application proposes the recordation of an existing single unit detached dwelling residential property into a single record lot. It is a different process from typical subdivision even though the plat looks the same. Under the provisions contained in Section 25.21.03, properties that qualify may request recordation of an existing property when certain criteria

are met. Section 25.21.03 provides that the Planning Commission must approve a plat when one or more of the following conditions are met:

1. The property being platted is a deeded lot (property) that has existed in the same configuration since at least October, 1957;
2. The property being platted is a multiple-lot property that required a minimum of two (2) lots for development at the time the substandard lots were created and the plat seeks to consolidate the lots into a single record lot; or
3. The property being platted is a multiple-lot property that contains an existing house that straddles the common lot line and the plat seeks to consolidate the property into a single record lot.

In this case, the property being platted has appeared on the same deed since at least 1946, when the Marklands purchased the property. The property being platted is also a multiple-lot property with an existing house that straddles a common lot line. As noted above, if the property meets one or more of the criteria, which this property does, the Planning Commission must approve a plat, without regard as to whether the property meets the current standards for a developable lot.

In the R-60 Zone, lots must have 35 feet of frontage on a public street, reach 60 feet in width at the front setback line and contain a minimum of 6,000 square feet. Although this application is not subject to these requirements, the proposed lot, at 16,292 square feet, well exceeds the minimum lot size of 6,000 square feet required in the R-60 Zone. At 112 feet wide, the property exceeds the 35-foot lot frontage and 60 foot lot width requirements.

Staff notes that it is not a requirement to resubdivide this property in order to develop it with a single-family home because a home can be built on both Lot 2 and on Part Lot 1. A buildable lot is defined as any record lot, except for lots with less than 4,000 square feet in area or are less than 35 feet wide at the building line. Even under the current requirements in the Zoning Ordinance, it is permissible to transfer land between adjoining property owners without the permission of the Planning Commission, when no additional lots are created and the lot is not reduced below the minimum sizes required in the Zoning Ordinance. When the land was transferred to the City for right-of-way widening, Part Lot 1 continued to be 60 feet in width and remained buildable. As a result, it is possible to build on both existing lots that make up the property without the need for resubdivision.

### **Forest /Tree Preservation**

A one lot subdivision does not require that forestry requirements be met at this time. Compliance with the Forest and Tree Preservation Ordinance will need to be met at the time the property is developed.

## Recommended Conditions

1. That the Plat be revised to make modifications/additions, as identified by Planning Commission or staff.
2. That the Final Record Plat be submitted in an appropriate electronic format as specified in Section 25,21.10.d of the City of Rockville Zoning Ordinance.

## Required Findings

By definition, subdivision is the division of a lot, tract, or parcel of land into two or more lots. Since this application involves only one lot, it does not meet the definition of subdivision and therefore is not subject to the required findings associated with a subdivision application. This application, however, falls into the category of being the Recordation of an Existing Single Unit Detached Residential Lot, where according to Section 25.21.03.b, the Planning Commission must approve a plat, regardless of whether it meets the development standards for the zone, when one of three conditions can be met. This application meets two of the three conditions.

## NOTIFICATION:

Public Notification of the Final Record Plat was made pursuant to the requirements of Section 25.21.11.d ("Notice"). Mailed notification was provided to 150 residents and property owners within the required 750-foot radius. Additionally, mailed notification was made to the West End Citizens Association. No posting of signs on the property is required. At the time of report preparation (April 18, 2012) staff has not received any comment regarding the plat.

## ATTACHMENTS:

Attachment 1-1	Aerial Map
Attachment 2-1	Land Use Map
Attachment 3-1	Zoning Map
Attachment 4-1	Bealls Subdivision Plat
Attachment 5-1	Deed transferring property from the Marklands to the City of Rockville for right-of-way
Attachment 6-1	Deed transferring the property to the Mohns
Attachment 7-1	Deed transferring the property to the Kermit Brown Mohn Revocable Trust